



RMT.TEEKAA RAMAN,J.

This original petition has been filed taking advantage of Sections 232 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 5 of O.S.Rules, seeking grant of Letters of Administration with the Will annexed of Mr.S.Neelakandan, who had died on 16.12.2022. The petitioner is the beneficiary in the Will.

2. The said deceased Mr.S.Neelakandan, had not appointed any executor to the Will dated 04.03.2021 and the said deceased Mr.S.Neelakandan is a bachelor. The petitioner is the sister's daughter of the deceased Mr.S.Neelakandan and the respondents 1 to 8 are the sister's sons and daughters of Mr.S.Neelakandan. The father and mother of the deceased Mr.S.Neelakandan are pre-deceased.

3. The amount of the assets which are likely to come into the petitioner hands does not exceed in the aggregate the sum of Rs.98,97,276/- and the net amount of said asset, after deducting all items which the petitioner is by law allowed to deduct is only the value of Rs.98,94,276/- .

4. The petitioner was examined as P.W.1 and Exs.P1 to P14 were marked and the following documents were marked through P.W.1. are as follows:-



Sl. No.	Exhibits	Documents
1.	Ex.P1	The affidavit under Section 65B of the Indian Evidence Act, 1872
2.	Ex.P2	The original registered Will and Testatment dated 04.03.2021 executed by Mr.S.Neelakandan
3.	Ex.P3	The death certificate of Mr.S.Neelakandan
4.	Ex.P4	The death certificate of Mr.Sambanda Mudaliar
5.	Ex.P5	The death certificate of Mrs.Navaneetham
6.	Ex.P6	The death certificate of Mrs.Nirmala @ S.BabyAmmal
7.	Ex.P7	The death certificate of Mrs.M.C.Alameluammal
8.	Ex.P8	The death certificate of Mrs.S.Kuttiyammal
9.	Ex.P9	The photocopy of the Indian Bank passbook bearing A/c.No.130701000033434 standing in the name of Mr.M.S.Neelakandan
10.	Ex.P10	The sale deed dated 18.10.2010 executed in favour of Mrs.M.S.Neelakandan
11.	Ex.P11	The release deed dated 28.03.2011 executed in favour of Mr.S.Neelakandan
12.	Ex.P12	The affidavit of assets showing the net value of the estate as Rs.98,94,276/-
13.	Ex.P13	The copy of the paper publication effected in one issue of English daily "Trinity Mirror" dated 08.08.2024.
14.	Ex.P14	The copy of the paper publication effected in one issue of Tamil daily "Makkal Kural" dated 16.08.2024.

5. Paper publication was effected as could be seen from Exs.P13 and P14 and the learned Master has not received any objections.

6. Ex.P1 Will was examined as P.W.2 and he deposed that the testator was in a sound state of mind and in good health at the time of execution of Ex.P1 Will, dated 04.03.2021.

7. In view of the above facts, I am of the view that the petitioner has



proved the execution and attestation of the will. Hence, the petitioner is entitled for the issuance of Letters of Administration in their favour.

8. In view of the evidence adduced and since the Will had been proved in manner known to law though by taking recourse to under Section 68 of the BSNS Act, I hold there is no impediment to grant the relief sought in the Original Petition namely, granting Letters of Administration with Will annexed.

9. With the above observations, this Original Petition stands allowed. The petitioner is directed to duly administer the properties and credits of the deceased more fully described in the schedule. The petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the Assistant Registrar (O.S.II) High Court, Madras. The petitioner is further directed to render true and correct accounts once in a year.

22.10.2024

nvi

RMT.TEEKAA RAMAN,J.



WEB COPY

4



nvi

O.P.No.149 of 2024

22.10.2024